

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twentieth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.7364 of 2021

1 D.VIJAYAN

[PETITIONERS / ACCUSED]

2 M.ANBU @ ANBARASAN

Vs

THE STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
KANCHI TALUK POLICE STATION,
KANCHEEPURAM DISTRICT
CR NO.373/2021

For Petitioner : M/S.G.PUNNIAKOTI Advocate

For Respondent :MR. T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 430, 379 of IPC r/w 21(1) of Mines and Minerals Act 1957 r/w 3(1) of TNPPDL Act, in Crime No.373 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner with other accused had transported 1/4 unit of river sand illegally in his Bullock Cart without obtaining proper license. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that the petitioners without obtaining any permission from the Government, had illegally dugged the land and transported sand, thereby degraded the environment and caused damages to the ecology. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. This Court is of the opinion that the offenders, despite several orders being passed by various benches of this Court regarding illegal sand mining and quarrying knowing fully well about the evil consequences affecting the environment and society at large and the implications thereon, are indulging in the offences of illegal quarrying/mining, theft and smuggling of sand and minerals. These cases come within the category of cases of large magnitude affecting and impacting livelihood of a very large number of people knowingly and unknowingly.

6. This Court finds that the discretionary power has been consciously and continuously misused by the offenders in an organised manner and this Court is of the firm opinion that the discretionary powers cannot be extended to persons indulging in illegal sand mining, smuggling and theft of sand and minerals.

7. Hence, in view of the order passed by this Court in Crl.O.P.No.13334 of 2020 etc., batch dated 03.09.2020, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, this Criminal Original Petition stands dismissed.

-sd/-

20/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
KANCHI TALUK POLICE STATION,
KANCHEEPURAM DISTRICT

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.G.PUNNIAKOTI Advocate on payment of necessary charges

CRL OP.7364/2021

Date :20/04/2021

RVR 04/05/2021